

10/2/08

**RESPONSE TO U.S. EPA CERCLA 104(e)
REQUEST FOR INFORMATION**

OREGON TERMINAL COMPANY

SEPTEMBER 30, 2008

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Environmental
Cleanup Office

U.S. EPA
CERCLA SECTION 104(e)
INFORMATION REQUEST
QUESTIONS AND RESPONSES

Section 1.0 Respondent Information

Respondent information was provided by those individuals identified below.

1. Provide the full legal, registered name and mailing address of Respondent.
Oregon Terminal Company (OTC) is no longer an active company. Jones Stevedoring Company (JSC) is responding on behalf of OTC. OTC was affiliated with JSC. JSC's mailing address is 2323 NW Suffolk St., Portland, Oregon 97210
2. For each person answering these questions on behalf of Respondent, provide:
 - a. full name;
 - b. title;
 - c. business address; and
 - d. business telephone number, electronic mail address, and FAX machine number.

David Fournier, Vice President, Red Shield Service Company, PO Box 3736, Seattle, WA 98124-3736. Phone: 206-763-6620. E-mail: sfuez@redshield.com. FAX: 206-768-6905.

Ralph Erickson, Claims Manager (retired), Red Shield Service Company, Phone: 360-574-2858. E-mail: RalphErickson@Comcast.net.

Anna Maria St. John, Director of Environmental Services, Maul Foster & Alongi, Inc., 3121 SW Moody Ave., Ste. 200, Portland, OR 97239. Phone: (971) 544-2139. E-mail: astjohn@maulfoster.com. FAX: (971) 544-2140.

Merideth Ann Gibson, Staff Geologist, Maul Foster & Alongi, Inc., 3121 SW Moody Ave., Ste. 200, Portland, OR 97239. Phone: (971) 544-2139. E-mail: mgibson@maulfoster.com. FAX: (971) 544-2140.

3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, please indicate here by providing that individual's name, address, telephone number, fax number, and, if available, electronic mail address.

David Fournier, Vice President, Red Shield Service Company, PO Box 3736, Seattle, WA 98124-3736. Phone: 206-763-6620. FAX: 206-768-6905. E-mail: sfuez@redshield.com.

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Section 2.0 Owner/Operator Information

Information regarding owner/operator information was provided in JSC's files and by Mr. Ralph Erickson and Mr. Dave Fournier. Relevant documents were scanned into .pdf files. These files are attached on the enclosed compact discs (CDs).

4. Identify each and every Property that Respondent currently owns, leases, operates on, or otherwise is affiliated or historically has owned, leased, operated on, or otherwise been affiliated with within the Investigation Area during the period of investigation (1937–Present). Please note that this question includes any aquatic lands owned or leased by Respondent.

OTC historically managed property at the Port of Portland's (Port's) Terminal 4 (T-4). Originally, the managed area was approximately 61.2 acres including three marine berths, paved and lighted backup storage area, a gearlocker building, and three warehouses, with a signing date of September 14, 1988 (Attachment 65). OTC didn't occupy the property until January 3, 1989. Note that in a January 2008 letter to OTC, David C. Batson incorrectly listed OTC's dates of operation as 1985 to 1996 (Attachment 2). The record should be corrected to 1989 through 1996. Also, a January 2008 letter sent to JSC from David C. Batson (Attachment 1) refers to JSC as operating a maintenance and repair facility at the Terminal 4 gearlocker. These operations were actually associated with OTC, not JSC, and the record should reflect those corrections.

In February 1989, the management agreement was amended to include 2,252 square feet of the check-in facility (Attachment 66). In September 1993, the managed areas changed to 40.53 acres (Parcels 1A, 1B, 1C, and 3 on Lease Management Agreement figure [Attachment 62]) including Berths 414 and 415 (Berth 408 was an alternate) and the gearlocker area (Attachment 68). A copy of the management agreement and amendments are attached (Attachments 65 through 68). The managed areas did not include any aquatic lands.

5. Provide a brief summary of Respondent's relationship to each Property listed in response to Question 4 above, including the address, Multnomah County Alternative Tax Lot Identification number(s), dates of acquisition, period of ownership, lease, operation, or affiliation, and a brief overview of Respondent's activities at the Properties identified.

It appears that the parcels identified in the Management Agreement do not match the current tax lots (see tax lot boundaries figure [Attachment 48]). Operational areas are discussed as they were outlined in the original Management Agreement (see the Lease Management Agreement, Oregon Terminal Company, figure [Attachment 65]). Parcels are all located in section 2, township 1 north, range 1 west, of the Willamette Meridian.

OTC began managing the Port's T-4 property on January 3, 1989. The company managed a multi-user general cargo facility. The managed property originally included Parcels 1A through 1C, 2A through 2E, and 3 as shown in the attached Lease Management Agreement figure (Attachment 62). Parcels 2A through 2E included Berth 408, a ro-ro dock ("roll on, roll off"), and an office building; however, OTC never used Parcel 2D (the ro-ro dock) or Parcel 2E. Parcel 2A was used for storage of dry goods cargo, mainly steel. The office building was located on Parcel 2B. Parcels 1A through 1C and 3 included three warehouse buildings, the gearlocker / machine shop, and Berths 414 / 415. The warehouse buildings on 1B and 1C were also used for dry goods storage (steel). Cargo from the storage parcels was loaded on specialized trailers.

Specialized tractors pulled these trailers onto a vessel. Lift trucks were used to offload/load the cargo into decks of the vessel. Note that OTC never physically performed the loading and unloading of the vessels, they just managed the equipment and storage of cargo in upland areas.

In 1993, OTC managed only Berths 414 and 415, with 408 as backup. From 1993 to 1996, the property managed by OTC was reduced to Parcels 1A, 1B, 1C, and 3 (Attachment 68). The OTC gearlocker was located on Parcel 3 at 11040 N. Lombard, Portland, Oregon. The gearlocker was used to store and repair equipment that was used by JSC (and Jones Oregon Stevedoring Company JOSCO, an inactive Oregon business) to load and unload vessels. Typical machinery used in stevedoring operations includes lift trucks, heavy duty trucks, and rigging.

6. Identify any persons who concurrently with you exercises or exercised actual control or who held significant authority to control activities at each Property, including:

- a. partners or joint venturers;

None.

- b. any contractor, subcontractor, or licensor that exercised control over any materials handling, storage, or disposal activity on the Property; (service contractors, remediation contractors, management and operator contractors, licensor providing technical support to licensed activities):

JSC and other stevedoring companies, provided labor for loading and unloading cargo from vessels.

Port employees had fueling privileges for the fuel dispenser at the OTC gearlocker (Attachments 18 and 19).

Allied Tank—a used oil underground storage tank (UST) was decommissioned and associated contaminated soil was removed by Allied Tank in March 1991 (Attachment 21).

Spencer Environmental (Spencer)—when the used oil tank was full, Spencer would come and pump it out and take the oil off site for recycling (Attachment 17).

- c. any person subleasing land, equipment or space on the Property;

No persons subleased land, equipment, or space on the property.

- d. utilities, pipelines, railroads and any other person with activities and/or easements regarding the Property;

See Figure 2-23 of Blasland Bouck and Lee's (BBL's) 2005 Early Action Engineering Evaluation/Cost Analysis (EE/CA) for stormwater utilities and outfall locations (Attachment 3).

See the EPA Web site for more information on Terminal 4:

<http://yosemite.epa.gov/R10/CLEANUP.NSF/6d62f9a16e249d7888256db4005fa293/fa0745084bfae55688256e5d000a382f?OpenDocument>

The attached map of the Port's Terminal 4 (Attachment 64) shows railroads.

- e. major financiers and lenders;

None.

f. any person who exercised actual control over any activities or operations on the Property;
The Port and its employees, tenants, and contractors.

g. any person who held significant authority to control any activities or operations on the Property;

The Port and its employees, tenants, and contractors.

h. any person who had a significant presence or who conducted significant activities at the Property;

The Port and its employees, tenants, and contractors.

i. any government entities that had proprietary (as opposed to regulatory) interest or involvement with regard to the activity on the Property.

The Port owns the property.

7. Identify and describe any legal or equitable interest that you now have, or previously had in each Property. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how, and to whom such interest was conveyed, if applicable. In addition, submit copies of all instruments evidencing the acquisition or conveyance of such interest (e.g., deeds, leases, purchase and sale agreements, partnership agreements, etc.).

See the attached Management Agreement with the Port (Attachment 65).

8. If you are the current owner and/or current operator, did you acquire or operate the Property or any portion of the Property after the disposal or placement of hazardous substances, waste, or materials on, or at the Property? Describe all of the facts on which you base the answer to this question.

Not applicable.

9. At the time you acquired or operated the Property, did you know or have reason to know that any hazardous substance, waste, or material was disposed of on, or at the Property? Describe all investigations of the Property you undertook prior to acquiring the Property and all of the facts on which you base the answer to this question.

In general, it was common knowledge among industries in the area that T-4, including some of the areas OTC was to manage, had a history of spills and contamination. OTC, however, was not provided with any specific information on hazardous substances or waste disposed of on the property at the time they began managing the Property on January 3, 1989.

10. Identify all prior owners that you are aware of for each Property identified in Response to Question 4 above. The Port owns the property. See Attachment 3 for an ownership history of T-4. For each prior owner, further identify if known, and provide copies of any documents you may have regarding: Documents regarding the following were not available.

a. the dates of ownership:

- b. all evidence showing that they controlled access to the Property:
 - c. all evidence that a hazardous substance, pollutant, or contaminant, was release or threatened to be released at the Property during the period that they owned the Property:
11. Identify all prior operators of the Property, including lessors, you are aware of for each Property identified in response to Question 4 above. **See Attachment 3 for an operational history of T-4.** For each such operator, further identify if known, and provide copies of any documents you may have regarding: **Documents regarding the following were not available.**
- a. the dates of operation:
 - b. the nature of prior operations at the Property:
 - c. all evidence that they controlled access to the Property:
 - d. all evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Property during the period that they were operating the Property.
12. If not included in response to any of the previous questions, please describe the purpose and duration of each aquatic lands lease Respondent or the operator of Respondent's Property(ies) ever obtained from the State of Oregon and provide a copy of each application for and aquatic lands lease obtained.

OTC did not lease submerged and submersible lands offshore of the property.

Section 3.0 Description of Each Property

Information regarding the property was provided in JSC's files, as well as by Mr. Ralph Erickson and Mr. Dave Fournier. Relevant documents were scanned into numbered .pdf files. These files are attached on the enclosed CD.

13. Provide the following information about each Property identified in response to Question 4:
- a. property boundaries, including a written legal description:
 From 1989 through 1993, the managed property consisted of Parcels 1A through 1C, 2A through 2E, and 3 (see the Lease Management Agreement, Oregon Terminal Company figure, Attachment 62). From 1993 through 1996, the property consisted of 40.53 acres (Parcels 1A, 1B, 1C, and 3) (Attachment 68).
 - b. location of underground utilities (telephone, electrical, sewer, water main, etc):
 See Figure 2-23 of Attachment 3 for stormwater utilities and outfall locations.
 See the EPA Web site for more information on T-4:
<http://yosemite.epa.gov/R10/CLEANUP.NSF/6d62f9a16e249d7888256db4005fa293/fa0745084bfae55688256e5d000a382f?OpenDocument>
 - c. location of all underground pipelines whether or not owned, controlled or operated by you:
 A review of all available JSC files did not produce any information on underground pipelines other than the location of the stormwater lines (see Question 13b above).

- d. surface structures (e.g., buildings, tanks, pipelines, etc.): Historically, eight oil aboveground storage tanks (ASTs) were located on property formerly used in Quaker State retail oil container filling operations. The ASTs included three 220,000-gallon tanks, one 42,000-gallon tank, and four 10,000-gallon tanks used to store motor oil for bottling. The ASTs and associated underground piping were abandoned and removed in 1985, when Quaker State ceased operations (Attachment 3) and before the commencement of OTC operations. According to Attachment 3, Quaker State also had a used oil AST; the date of removal has not been confirmed. Based on available information, it is likely that the Quaker State used oil AST and a used oil AST currently located on the south side of the gearlocker and used by OTC starting in 1991 (see below) are the same tank.

The surface structures on the property include a gearlocker/maintenance shed (see Attachment 60) and associated wash rack located east of Berth 411 (see T4 mechanics shop site plan [Attachment 4] and Port of Portland, T4 figure [Attachment 64]), three warehouse buildings located east of Berth 414, and a used-oil AST. The wash rack was surrounded by concrete walls, and a drain in the center of the containment was connected to an oil/water separator located inside the gearlocker. After passing through the oil/water separator, washwater was filtered and then discharged to the City of Portland sanitary sewer. After the used oil UST was decommissioned in 1991, used oil from the oil/water separator was temporarily stored in a 1,000-gallon AST (see T4 mechanics shop site plan [Attachment 4] for used oil tank location). The wash station was removed in 1996 after the Management Agreement ended (Attachment 3). There was also a 10,000-cubic-foot propane AST on the property (Attachment 34).

- e. over-water structures (e.g., piers, docks, cranes, etc.):

OTC did not operate on any over-water structures or perform any over-water work.

- f. dry wells:

There are no known dry wells at the property.

- g. treatment or control devices (e.g., surface water, air, groundwater, Resource Conservation and Recovery Act (RCRA), Transfer, Storage, or Disposal (TSD), etc.):

A wash rack was located on the southwest side of the gearlocker (see T4 mechanics shop site plan [Attachment 4]). The wash rack was surrounded by concrete walls and collected washwater in a centralized drain, which then connected to an oil/water separator and water treatment unit. Treated water then discharged to the City of Portland sanitary sewer. Used oil was stored in a 1,000-gallon UST, which was periodically pumped out by Spencer (Attachment 17). The used oil UST was decommissioned in 1991, at which time an AST located on the south side of the gearlocker was used for used oil storage. The wash station was removed in 1996 after the Management Agreement ended (Attachment 3).

- h. groundwater wells, including drilling logs:

None.

- i. storm water drainage system, and sanitary sewer system, past and present, including septic tank(s) and where, when and how such systems are emptied and maintained:

See figures included in the National Pollutant Discharge Elimination System (NPDES) General Stormwater Permit Application (Attachment 28) for locations of two outfalls and several catch basins that collected stormwater from around the mechanics shop. See also Figure 2-23 of Attachment 3 for stormwater utilities and outfall locations. For more details, please contact the Port or see the EPA Web site for more information on Terminal 4:

<http://yosemite.epa.gov/R10/CLEANUP.NSF/6d62f9a16e249d7888256db4005fa293/fa0745084bfae55688256e5d000a382f?OpenDocument>.

- j. subsurface disposal field(s), Underground Injection Control (UIC) wells, and other underground structures (e.g., underground storage tanks (USTs); and where they are located, if they are still used, and how they were closed:

A January 2008 letter from David Batson notes that two 4,000-gallon USTs were installed for dispensing gasoline and diesel at a fueling station on the south side of the gearlocker building (Attachment 2). However, the record should be corrected to state that both USTs were in use before OTC commenced operations at the site on May 1, 1989, and were not installed by OTC. The fueling station was used by both OTC and the Port during the time OTC occupied the property (Attachment 18). See Figure 4 for approximate locations of former USTs and associated fuel pump (Attachment 51).

The wash rack was connected to an oil/water separator. Filtered washwater discharged to the City of Portland sanitary sewer, while used oil was temporarily stored in a 1,000-gallon UST, which was periodically pumped out by Spencer (Attachment 17; also see figure in the stormwater pollution control plan [SWPCP] [Attachment 4] for used oil tank location). The gearlocker used oil UST was decommissioned in 1991 (Attachments 3 and 21). The wash rack and fuel station USTs were removed by the Port in 1996 after the Management Agreement between OTC and the Port ended and after OTC vacated the premises (Attachment 3).

The January 2008 letter from David Batson notes that there was also a rail-covered work pit west of the gearlocker. The record should be corrected to state that the rail-covered work pit was constructed before OTC operations at the property and was never used by OTC (Attachments 1 and 2).

- k. any and all major additions, demolitions or changes on, under or about the Property, its physical structures or to the property itself (e.g., stormwater drainage, excavation work); and any planned additions, demolitions or other changes to the Property:

The following changes to the property occurred during the time of OTC's operations. A shed near the gearlocker was demolished around the time OTC began operations at the property (Attachment 11). The gearlocker used oil UST was decommissioned in 1991 (Attachments 3 and 21). The wash rack system and fuel station USTs (one gasoline and one diesel, both 4,000-gallon capacities) were removed by the Port in 1996 after the Management Agreement ended and OTC ceased operating at the site (Attachment 3).

l. all maps and drawings of the Property in your possession:

- Maps included in the 2005 EE/CA report completed by BBL (Attachment 3)
- Port of Portland Marine Operations Terminal Guide (Attachment 64)
- Exhibit A (figure titled Lease Management Agreement, Oregon Terminal Company, with aerial photo dated June 18, 1987) of the Management Agreement (Attachment 62).
- Port of Portland Terminal 4 Primary Asset Map, dated January 1999 (Attachment 63).
- The site-specific map, the mechanics shop site plan, and the T4 mechanics shop stormwater drainage system map dated November 9, 1992 included in the SWPCP (Attachment 4).
- 1991 Special Truckers Information and Marine Terminals Map (Attachment 28)
- MFA tax lot boundaries figure (Attachment 48).

m. all aerial photographs of the Property in your possession.

- Figures 2-2 and 2-3 of the EE/CA report (Attachment 3).
- MFA site overview figures (Attachments 48 through 54).

Also see photographs of the gearlocker building and surrounding area (Attachment 60).

14. For Properties adjacent to the Willamette River, provide specific information describing the river-ward boundary of private ownership and where state aquatic lands and/or state-management jurisdiction begins. Provide a map that delineates the river-ward boundary of each Property.

Not available. Please contact the Port.

15. For each Property, provide all reports, information or data you have related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about each Property. Provide copies of all documents containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

Based on available documentation, OTC performed only one investigation, which was initiated to assess the potential for neighboring "pencil pitch" loading and unloading operations to affect air quality and cause harm to OTC employees. In 1993, OTC contracted with Marine and Environmental Testing, Inc. (MET) to perform an industrial hygiene survey of fugitive emissions of pencil pitch from an unloading operation being performed at the neighboring Berth 411 (note that Berth 411 was never managed by OTC) (see the attached Attachment 47). MET's survey concluded that while a forklift driver was not exposed to any detectable concentration of the individual polynuclear aromatic hydrocarbons (PNAs) associated with coal tar pitch volatiles (CTPVs), his exposure to total CTPVs was in excess of the established Occupational Safety and Health Administration (OSHA) permissible exposure limit (PEL). In addition, analysis of the material in a vacuum truck indicated that the material was greater than 0.1 percent of the suspect carcinogen PNAs, thus classifying the material as a carcinogen per 29 Code of

Federal Regulations (CFR) 1910.1200(d)(5)(ii). The Port also contracted with HAZCON Inc. in April 1994 to evaluate the impact of pencil pitch dust at the terminal and through the neighborhood (see Attachments 8 and 56).

See the EPA Web site for additional investigation reports related to Terminal 4.

<http://yosemite.epa.gov/R10/CLEANUP.NSF/6d62f9a16e249d7888256db4005fa293/fa0745084bfae55688256e5d000a382f?OpenDocument>

16. Identify all past and present solid waste management units or areas where materials are or were in the past managed, treated, or disposed (e.g., waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc.) on each Property. For each such unit or area, provide the following information:

- a. a map showing the unit/area's boundaries and the location of all known units/areas whether currently in operation or not. This map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present unit/areas:

See attached MFA Figures 2 through 7 (Attachments 49 through 54) and photographs of the gearlocker building (Attachment 60). Figures 2 through 4 show the current structures/layout of the managed areas with the boundaries (Attachments 49 through 51). Figures 5 through 7 show the lease boundaries and the general site layout and/or operational areas that were present during the time OTC operated on the property (Attachments 52 through 54). Note that operational areas associated with the gearlocker and Parcel 3 are shown on the T4 Mechanics Shop Storm Water Drainage System and T4 Mechanics Shop Site Plan figures as part of the SWPCP (Attachment 3). Also note that the layout of the 2000 ("historical") aerial is similar to what was there when OTC occupied the property and is sufficient to identify operational areas/structures. OTC has not operated on any of the parcels since 1996.

- b. dated aerial photograph of the site showing each unit/area:

See Figures 1 through 6 referenced in 16a above. Aerials are dated 2008 and 2000.

- c. the type of unit/area (e.g., storage area, landfill, waste pile, etc.), and the dimensions of the unit/area:

Gearlocker

Oil shed

Machine storage

Gasoline UST—4,000 gallons

Diesel UST—4,000 gallons

Used oil UST/Used-oil AST

Propane AST—10,000 cubic feet

- d. the dates that the unit/area was in use:

OTC used the following areas during the specified timeframes.

Gearlocker—1989 until 1996

Oil Shed—1989 until 1996

Machine Storage—1989 until 1996

Gasoline UST—1989 until 1996 (decommissioned)

Diesel UST—1989 until 1996 (decommissioned)

Used oil UST—1989 until 1991 (decommissioned)

Used oil AST—1991 until 1996

Propane AST—1989 until 1996

Note that the date ranges listed above are for OTC use only. All storage areas listed above were in use before OTC began operating at the property.

- e. the purpose and past usage (e.g., storage, spill containment, etc.):

All areas listed in 16c were used for storage.

- f. the quantity and types of materials (hazardous substances and any other chemicals) located in each unit/area: See Table 1 (Attachment 55) for additional information about materials at the property.

Gearlocker—contained cleaning fluids to clean lift trucks; aerosol brake fluid (non-chloride) for cleaning lift trucks; antifreeze; and used cleaning fluid for parts cleaning.

Oil shed—55-gallon drums with lubricants such as motor oil, gear oil, and hydraulic/transmission oil stored on site for lift trucks.

Machine storage—areas were used to store trucks and truck lifts.

Gasoline UST—4,000 gallons

Diesel UST—4,000 gallons

Used-oil UST—1,000 gallons

Propane AST—276 gallons

- g. the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit/area.

Gearlocker—concrete building (both floor and sides).

Oil shed—unknown.

Machine storage—outside storage areas surrounding the west side of the gearlocker. The area directly west of the gearlocker was gravel while the area southwest of the gearlocker was asphalt (see T4 Mechanics Shop Site Plan in the SWPCP [Attachment 4]).

USTs—the fuel and used-oil USTs were installed before OTC occupied the property and were decommissioned by the Port just after OTC left the property; therefore, OTC had no information on their construction. The associated fuel pump was located on a concrete slab (see T4 Mechanics Shop Site Plan in SWPCP [Attachment 4]).

ASTs—the used-oil AST was constructed of steel and was located on a concrete pad (see T4 Mechanics Shop Site Plan in SWPCP [Attachment 4]).

17. If the unit/area described above is no longer in use, how was such unit/area closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit/area.

Allied Tank decommissioned the used oil UST in 1991 consistent with Oregon Department of Environmental Quality (DEQ) regulations. Contaminated soil adjacent to the UST was also removed, and DEQ confirmed that the cleanup was complete (Attachment 21).

Both the fuel USTs were decommissioned by the Port in 1996 after the management agreement between OTC and the Port ended and after OTC had vacated the premises. OTC has not operated at the site since 1996.

18. For each Property, provide the following information regarding any current or former sewer or storm sewer lines or combined sanitary/storm sewer lines, drains, ditches, or tributaries discharging into the Willamette River:

See figures included in the NPDES General Stormwater Permit Application (Attachment 28) for locations of two outfalls that collected stormwater from catch basins around the mechanics shop. Also see Figure 2-23 of the EE/CA report for stormwater utilities and outfall locations at Terminal 4 (Attachment 3). For more details, please contact the Port.

- a. the location and nature of each sewer line, drain, ditch, or tributary:

Please contact the Port for specific information.

- b. the date of construction of each sewer line, drain, ditch, or tributary:

Please contact the Port for specific information.

- c. whether each sewer line, or drain was ever connected to a main trunk line:

Please contact the Port for specific information.

- d. whether each sewer line, drain, ditch, or tributary drained any hazardous substance, waste, material or other process residue to the Willamette River;

Please contact the Port for specific information.

- e. provide any documentation regarding but not limited to the following on any and all outfalls to the Willamette River which are located within the boundaries of the Property(ies). Your response should include, but not be limited to:

- i. the areas serviced by the outfalls:

Please see site-specific map and the mechanics shop site plan figures in the SWPCP for stormwater drainage areas in the vicinity of the gearlock/machine shop and the outfalls to the Willamette River (Attachment 4). Please contact the Port for more information.

- ii. the type of outfall (i.e., storm water or single facility operational):

The outfalls referenced in Question 18(e)(i) are for stormwater drainage. Please contact the Port for more information.

19. Provide copies of any stormwater or property drainage studies, including data from sampling, conducted at these Properties on stormwater, sheet flow, or surface water runoff. Also provide

copies of any Stormwater Pollution Prevention, Maintenance Plans, or Spill Plans developed for different operations during the Respondent's operation of each Property.

See SWPCP (Attachment 4), a copy of the NPDES 1200-T General Permit (Attachment 35), and OTC memorandums relevant to stormwater (Attachments 22, 23, 24, 26, 28, 32, 33, 34, 35, and 36).

Section 4.0 Respondent's Operational Activities

Information regarding OTC's operational activities was provided by Mr. Ralph Erickson and Mr. Dave Fournier. Relevant documents were scanned into numbered .pdf files. These files are attached on the enclosed CD. If a document is not identified, the information was provided by the individuals identified in Section 1.0.

20. Describe the nature of your operations or business activities at each Property. If the operation or business activity changed over time, please identify each separate operation or activity, the dates when each operation or activity was started and, if applicable, ceased.

OTC began managing the property on January 3, 1989. OTC managed a multi-user general cargo facility. The property originally included Parcels 1A through 1C, 2A through 2E, and 3 as shown in the attached Lease Management Agreement figure (Attachment 62). Parcels 2A through 2E included Berth 408, a ro-ro dock, and an office building; however, OTC never used Parcel 2D (the ro-ro dock) or Parcel 2E. Parcel 2A was used for storage of dry goods cargo, mainly steel. The office building was located on Parcel 2B. Parcels 1A through 1C and 3 included three warehouse buildings, the gearlocker / machine shop (see Attachment 60 for photos), and Berths 414 / 415. In 1993, OTC scaled back operations and only managed Berths 414/415 (with 408 as backup), warehouse storage buildings, and the gearlocker/machine shop.

OTC operations included the upland management of cargo, which was then loaded onto and unloaded from vessels by JSC's or other stevedoring companies' employees. OTC never performed the actual loading and unloading of ships or overwater work, it only managed/stored the cargo in upland areas of the property and provided the necessary equipment for moving the cargo in the upland areas. Specifically, OTC managed the unloading of dry goods from trucks and railcars; the materials were stored at/in the areas managed by OTC (in warehouses and outside on Parcels 1B and 1C), and then loaded on ocean-going vessels by longshoremen.

The reverse process was also managed by OTC for inbound shipments. Inbound shipments consisted mostly of steel, while outbound shipments were mostly lumber and paper. Steel was typically stored outside on Parcels 1B and 1C (and on Parcel 2A when it was in use), while more weather-sensitive materials such as paper and lumber were stored inside the warehouse buildings. The easternmost warehouse buildings were the main receptacles for paper and lumber. The westernmost warehouse, on the river side of Parcel 1B, was locked storage where more expensive items could be stored.

21. At each Property, did you ever use, purchase, generate, store, treat, dispose, or otherwise handle any waste, or material? If the answer to the preceding question is anything but an unqualified "no," identify: See Table 1 for response matrix (Attachment 55). In general, the gearlocker contained constituents such as cleaning fluids to clean lift trucks; aerosol brake fluid (non-chloride) for cleaning lift trucks; anti-freeze; oil; and cleaning fluid for parts cleaning. Materials

stored on Parcels 1B, 1C, and historically 2A, included steel, lumber, and paper products for shipment. Only dry cargo, no liquids, was ever managed at the property. There were also USTs and ASTs containing fuel/propane. For additional materials that were potentially used at the site below reportable quantities, please see Question 33 and the attached material safety data sheets (MSDSs) (Attachments 38 through 46).

Wastes generated at the property included used oils and solvents, oil filters, and solid waste including empty aerosol and paint cans. These materials were temporarily stored on site. Some were transported off-site by waste haulers identified in the response to Question 39 (e.g., used oil). Some wastes were periodically transported by OTC or JSC employees to JSC's 2318 NW Suffolk gearlocker for temporary storage before transport and disposal with JSC's other wastes. Washwater generated from the wash rack discharged into the City of Portland's sanitary sewer. Occasionally, the used oil tank was emptied and the oil was removed by Spencer (Attachment 17). The contaminated soil removed from the 1991 used oil UST decommissioning was removed by Allied Tank (Attachment 21). Information on the removal/disposal of the contaminated soil from the 1992 oil shed soil cleanup was not available.

- a. in general terms, the nature and quantity of the waste or material so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
 - b. the chemical composition, characteristics, physical state (e.g., solid, liquid) of each waste or material so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled;
 - c. how each such waste or material was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you;
 - d. the quantity of each such waste or material used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.
22. Describe all activities at each Property that was conducted over, on, or adjacent to, the Willamette River. Include in your description whether the activity involved hazardous substances, waste(s), or materials and whether any such hazardous substances, waste(s), or materials were discharged, spilled, disposed of, dropped, or otherwise came to be located in the Willamette River.

OTC never performed any work over, on, or adjacent to the Willamette River. OTC never loaded/unloaded over-water vessels, they managed upland operations including the equipment, temporary storage of cargo, and upland loading and unloading of railcars and trucks.

OTC managed Berths 403 through 408 and 414/415 from 1989 to 1993. The ro-ro ramp (Parcel 2D), although part of the original management area, was never used by OTC. Parcel 2E also was never used by OTC.

In 1993, OTC managed only Berths 414 and 415, with 408 as backup. Cargo, such as lumber or steel, was loaded on specialized trailers. Specialized tractors pulled these trailers onto a vessel. Lift trucks were used to offload/load the cargo into decks of the vessel. Mixed cargo (but never hazardous materials) was loaded onto these vessels. As noted previously, OTC only managed the upland storage of the incoming/outgoing cargo. Specifically, OTC managed the loading/unloading of dry goods from trucks and railcars in the uplands; the materials were stored at the OTC facility (in warehouses and outside on Parcels 1B and 1C), and then loaded onto

ships. OTC never performed the actual loading and unloading of the ships. Those services were performed by JSC's stevedoring longshoremen, not OTC employees.

The reverse process was also managed by OTC for inbound shipments. Inbound shipments consisted mostly of steel, while outbound shipments were mostly lumber and paper. Steel was typically stored outside on Parcels 1B and 1C (and on Parcel 2A when it was in use), while more weather-sensitive materials such as paper and lumber were stored inside the warehouse buildings. The easternmost warehouse buildings were the main receptacles for paper and lumber. The westernmost warehouse, on the river side of Parcel 1B, was locked storage where more expensive items could be stored.

23. For each Property at which there was or is a mooring facility, dock, wharf or any over-water structure, provide a summary of over-water activities conducted at the structure, including but not limited to, any material loading and unloading operations associated with vessels, materials handling and storage practices, ship berthing and anchoring, ship fueling, and ship building, retrofitting, maintenance, and repair.

See answer to Question 22.

24. Describe all activities conducted on leased aquatic lands at each Property. Include in your description whether the activity involved hazardous substances, waste(s), or materials and whether any such hazardous substances, waste(s), or materials were discharged, spilled, disposed of, dropped, or otherwise came to be located on such leased aquatic lands.

The management agreement did not include any aquatic lands.

25. Please describe the years of use, purpose, quantity, and duration of any application of pesticides or herbicides on each Property during the period of investigation (1937 – present). Provide the brand name of all pesticides or herbicides used.

OTC is not aware of the application of pesticides or herbicides on the leased property. Please contact the Port for more information.

26. Describe how wastes transported off the Property for disposal are and ever were handled, stored, and/or treated prior to transport to the disposal facility.

Wastes have been stored in drop boxes, 55-gallon drums, and garbage cans inside and around the gearlocker before transport off site for disposal.

See Question 16 for waste storage areas.

27. Has Respondent ever arranged for disposal or treatment or arranged for transportation for disposal or treatment of materials to any Property (including the Willamette River) within the Investigation Area? If so, please identify every Property that Respondent's materials were disposed or treated at in the Investigation Area.

Based on available information, No. Some wastes were transported off-site by waste haulers identified in the response to Question 39. Some wastes were periodically transported by OTC or JSC employees to JSC's 2318 NW Suffolk gearlocker for temporary storage before transport and disposal with JSC's other wastes. JSC arranged for the transport and disposal of wastes from the

NW Suffolk facility. On the basis of phone calls to the companies, their treatment/disposal facilities are not located in the Investigation Area.

In addition, identify:

- a. the persons with whom the Respondent made such arrangements;
- b. every date on which Respondent made such arrangements;
- c. the nature, including the chemical content, characteristics, physical state (e.g., solid, liquid), and quantity (volume and weight) of all materials involved in each such arrangement;
- d. in general terms, the nature and quantity of the non-hazardous materials involved in each such arrangement;
- e. in general terms, the nature and quantity of any hazardous materials involved in each such arrangement;
- f. the owner of the materials involved in each such arrangement, if not Respondent;
- g. all tests, analyses, analytical results or manifests concerning each hazardous material involved in such transactions;
- h. the address(es) for each Property, precise locations at which each material involved in such transactions actually was disposed or treated;
- i. the owner or operator of each facility at which hazardous or non-hazardous materials were arranged to be disposed within the Investigation Area;
- j. who selected the location to which the materials were to be disposed or treated;
- k. who selected the Property as the location at which hazardous materials were to be disposed or treated;
- l. any records of such arrangement(s) and each shipment.

28. Describe the plants and other buildings or structures where Respondent carried out its operations at each Property within the Investigation Area (excluding locations where ONLY clerical/office work was performed).

See the responses to Questions 20 through 22.

29. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations on each Property.

See MFA Figures 2 through 7 (Attachments 49 through 54) and figures in the SWPCP (Attachment 4) for operational areas and material storage/management. General site operations included the unloading of dry cargo from railcars and trucks, after which the shipments were stored at the property on Parcels 1B and 1C, and historically 2A. Longshoremen, not OTC employees, would then take the cargo and load it onto ships. In addition to outgoing shipments, OTC managed the storage and loading of trucks/rail for incoming shipments. Outgoing cargo consisted of lumber and paper products, while incoming cargo was mostly steel. See the response to Question 22 for more operational details.

30. Provide a brief description of the nature of Respondent's operations at each location on each Property including:

See the responses to Questions 20 through 22.

- a. the date such operations commenced and concluded; and
- b. the types of work performed at each location, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.

31. If the nature or size of Respondent's operations changed over time, describe those changes and the dates they occurred.

On January 3, 1989, OTC entered into a management agreement with the Port for approximately 61.2 acres to manage break-bulk berths, including Berths 408 and 414/415. OTC also handled associated warehouses (Parcels 1B and 1C, and historically 2A), an office building (Parcel 2B), and a gearlocker/machine shop located on Parcel 3 (see Lease Management Agreement figure and T4 Primary Asset Map, Attachments 62 and 63). In 1993, OTC scaled back operations to approximately 41.53 acres and only managed Berths 414/415 and associated warehouses, and the gearlocker/machine shop (Attachment 68).

32. List the types of raw materials used in Respondent's operations, the products manufactured, recycled, recovered, treated, or otherwise processed in these operations.

OTC did not manufacture or produce any products as part of its operation. OTC only managed the cargo for inbound and outbound shipments and the necessary equipment to load and unload. As part of equipment maintenance and repair, OTC used fuels, oil, antifreeze, and parts cleaners.

33. Provide copies of Material Safety Data Sheets (MSDS) for materials used in the Respondent's operations.

MSDSs for products used by OTC are attached (Attachments 38 through 46). Types of chemicals used include: aerosols, fuel, lubricants, paint/thinners, solvents, water conditioner, and welding

gases. Note that the Terminal 4 OTC facility ordered supplies for additional OTC facilities in the Northwest, including sites in Vancouver and Longview, Washington, and Astoria, Oregon. Note that not all of the products listed in the attached MSDSs were necessarily used at the OTC Terminal 4 facility; some were for use at JSC facilities located throughout the Northwest.

34. Describe the cleaning and maintenance of the equipment and machinery involved in these operations, including but not limited to:

Maintenance included cleaning and maintaining truck lifts and other equipment necessary to load and unload the cargo. Types of materials used included aerosols, fuel, lubricants, paint/thinners, solvents, water conditioner, and welding gases. See Table 1 (Attachment 55) for approximate quantities stored on site (also see Attachment 30); exact quantities used monthly/annually are not known.

Whenever feasible, all repairs, fluid changing, and disassembly were performed indoors. Containers and absorbent mats or rags were used to contain fluids leaking or dripping from machines being disassembled for repairs. Spill-cleanup equipment was kept inside the mechanics shop along the south wall and included absorbent (kitty litter), absorbent pads (mats/cloths), and absorbent containment booms. In addition, spill notification procedures and numbers were posted along the south wall in the immediate vicinity of the cleanup equipment (Attachment 4). As with all other waste, used spill materials are believed to have been transported to JSC's gearlocker at 2318 NW Suffolk for disposal with other wastes generated by JSC.

- a. the types of materials used to clean/maintain this equipment/machinery;
 - b. the monthly or annual quantity of each such material used;
 - c. the types of materials spilled in Respondent's operations;
 - d. the materials used to clean up those spills;
 - e. the methods used to clean up those spills; and
 - f. where the materials used to clean up those spills were disposed of.
35. Describe the methods used to clean up spills of liquid or solid materials during Respondent's operation.

Spill clean-up equipment was kept inside the mechanics shop along the south wall and included absorbent (kitty litter), absorbent pads (mats/cloths) and absorbent containment booms. In addition, spill notification procedures and numbers were posted along the south wall in the immediate vicinity of the clean up equipment (Attachment 4).

36. For each type of waste (including by-products) from Respondent's operations, including but not limited to all liquids, sludges, and solids, provide the following information:

See Table 2 (Attachment 56) for response matrix.

- a. its physical state;
- b. its nature and chemical composition;
- c. its color;

- d. its odor;
- e. the approximate monthly and annual volumes of each type of waste (using such measurements as gallons, cubic yards, pounds, etc.); and
- f. the dates (beginning & ending) during which each type of waste was produced by Respondent's operations.

37. Provide a schematic diagram that indicates which part of Respondent's operations generated each type of waste, including but not limited to wastes generated by cleaning and maintenance of equipment and machinery and wastes resulting from spills of liquid materials.

All wastes generated by OTC were from the cleaning and maintenance of trucks, truck lifts, and other equipment necessary for handling cargo. Wastes were temporarily stored in and adjacent to the gearlocker. See T4 Mechanics Shop Site Plan and T4 Mechanics Shop Stormwater Drainage System figures in the SWPCP for diagrams identifying areas associated with the gearlocker/machine shop (Attachment 4).

38. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.

David Bowman—Former OTC employee, dealt with environmental matters.

Bob Maracle—Former OTC employee, gearlocker superintendent

39. For each type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling.

Some wastes identified in Question 36 (Table 2, Attachment 56) generated at OTC's gearlocker were transported to JSC's gearlocker for temporary storage and then disposal with JSC's wastes (e.g., empty aerosol cans). Some wastes were transported off-site by waste haulers identified below (e.g., used oil). The washwater generated from the wash rack discharged into the City of Portland's sanitary sewer system.

- Spencer Environmental—when the used oil tank was full, Spencer would come and pump it out and take the oil off site for recycling (Attachment 17).
- Allied Tank was responsible for the 1991 used oil UST decommissioning and the petroleum-contaminated soil removal (Attachment 21).
- Emerald managed hydraulic oil in equipment and machinery.

40. Provide copies of such contracts and other documents reflecting such agreements or arrangements, including, but not limited to the following:

Records of disposal/manifest contracts are not available.

- a. state where Respondent sent each type of its waste for disposal, treatment, or recycling;
 - b. identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request);
 - c. if Respondent transported any of its wastes away from its operations, please so indicate;
 - d. for each type of waste specify which Waste Carrier picked it up;
 - e. indicate the ultimate disposal/recycling/treatment location for each type of waste;
 - f. provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste; and
 - g. state the basis for and provide any documents supporting the answer to the previous question.
41. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:
- The only constituent that went into drains at the site was treated washwater from the wash rack. The washwater was directed to an oil/water separator, then a filtration system, and then was discharged to the City of Portland sanitary sewer system. Exact quantities discharged monthly/annually are not known. The washwater was discharged at the City of Portland's wastewater treatment plant (see T4 Mechanics Shop Site Plan figure as part of the SWPCP [Attachment 4]). Available records indicate that OTC was exempt from needing a Wash Water General Permit for the facility (Attachment 37). The wash rack was in use by OTC from 1989 through 1996.
- a. the nature and chemical composition of each type of waste;
 - b. the dates on which those wastes were disposed;
 - c. the approximate quantity of those wastes disposed by month and year;
 - d. the location to which these wastes drained (e.g. septic system or storage tank at the Property, pre-treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
 - e. whether and what pretreatment was provided.
42. Identify any sewage authority or treatment works to which Respondent's waste was sent.
- The washwater from steam-cleaning operations was directed to an oil/water separator, then a filtration system, and then to the City of Portland's sanitary sewer system. Available records indicate that OTC was exempt from needing a Wash Water General Permit for the facility (Attachment 37).
43. Describe all settling tank, septic system, or pretreatment system sludges or other treatment wastes resulting from Respondent's operations.
- See above response to Question 42.
44. If applicable, describe the facilities, processes and methods Respondent or Respondent's contractor used, and activities engage in, either currently or in the past, related to ship building,

retrofitting, maintenance or repair, including, but not limited to, dry-docking operations, tank cleaning, painting and re-powering.

OTC only performed activities related to maintenance or repair of trucks and truck-lifts used in handling cargo (see Figure 4 for maintenance areas associated with OTC gearlocker; Attachment 51). Types of materials used included aerosols, fuel, lubricants, paint/thinners, solvents, water conditioner, and welding gases. See Table 1 (Attachment 55) for approximate quantities stored on site.

Whenever feasible, all repairs, fluid changing, and disassembly were performed indoors. Containers and absorbent mats or rags were used to catch fluids leaking or dripping from machines being disassembled for repairs. Spill-cleanup equipment was kept inside the machine shop along the south wall and includes absorbent (kitty litter), absorbent pads (mats/cloths), and absorbent containment booms. In addition, spill notification procedures and numbers were posted along the south wall in the immediate vicinity of the cleanup equipment (Attachment 4).

45. Describe any hazardous substances, wastes, or materials used or generated by the activities described in response to the previous Question and how these hazardous substances, materials and wastes were released or disposed of.

See the responses to Questions 21 and Table 1 (Attachment 55) for wastes and materials. See response to Question 39 for methods of waste disposal.

46. Provide copies of any records you have in your possession, custody or control relative to the activities described in response to the previous two Questions.

See a copy of the 1992 Oregon Fire Marshal Hazardous Substance Employer Survey for a list of reportable substances stored/used on site (Attachment 30). See the response to Question 39 for information relating to disposal.

47. Describe any process or activity conducted on a Property identified in response to Question 4 involving the acquisition, manufacture, use, storage, handling, disposal or release or threatened release of polychlorinated biphenyl(s) ("PCB(s)" or PCB(s)-containing materials or liquids.

When OTC began operating at the site, on May 1, 1989, six transformers being stored in the yard. On July 12, 1989, Wilhelm Transfer Trucks delivered seven additional transformers that belonged to the Port. The additional transformers were said to be "wet and leaking" (Attachment 12). The storage was only temporary, however, and all of the transformers were removed by the Port by July 20, 1989 (Attachment 13).

48. For each process or activity identified in response to the previous Question, describe the dates and duration of the activity or process and the quantity and type of PCB(s) or PCB(s) containing materials or liquids.

See the response to Question 47.

49. For each process or activity identified in response to the previous two Questions, identify the location of the process or activity on the property.

See the response to Question 47.

Section 5.0 Regulatory Information

Information regarding OTC's regulatory information was provided by Mr. Ralph Erickson and Mr. Dave Fournier and JSC's files. Relevant documents were scanned into numbered .pdf files. These files are attached on the enclosed CD. If a document is not identified, the information was provided by the individuals identified in Section 1.0.

50. Identify all federal, state and local authorities that regulated the owner or operator of each Property and/or that interacted with the owner or operator of each Property. Your response is to address all interactions and in particular all contacts from agencies/departments that dealt with health and safety issues and/or environmental concerns.

Available documentation indicated interactions between OTC and the following regulatory authorities and associated department contacts:

DEQ (NPDES stormwater permit): Walter West (Attachment 32), Charles K. Ashbaker (Attachments 5 and 22), and Pam Fink (Attachment 36).

U.S. EPA, Region 10 (NPDES permit requirements): Andrea Lindsay (Attachments 7 and 26).

Correspondence between OTC and the following authorities was likely; however, specific documentation was not available:

City of Portland (NPDES permit)

City of Portland, Multnomah County, and the State of Oregon (taxes and licensing)

OSHA (health and safety issues)

Oregon OSHA (health and safety issues)

U.S. Coast Guard

51. Describe all occurrences associated with violations, citations, deficiencies, and/or accidents concerning each Property during the period being investigated related to health and safety issues and/or environmental concerns. Provide copies of all documents associated with each occurrence described.

Based on the information in JSC's files and provided by current and former employees, no violations, citations, deficiencies, and/or accidents related to health and safety issues and/or environmental concerns related to the property have occurred.

52. Provide a list of all local, state and federal environmental permits ever issued to the owner or operator on each Property (e.g., RCRA permits, NPDES permits, etc.). Please provide a copy of each federal and state permit, and the applications for each permit, ever issued to the owner or operator on each Property.

DEQ NPDES 1200-T Stormwater Discharge Permit (Attachment 35)

53. Did the owner or operator ever file a Hazardous Waste Activity Notification under the RCRA? If so, provide a copy of such notification.

Based on the information in JSC's files or information available from current or former JSC employees, OTC did not file a Hazardous Waste Activity Notification.

54. Did the owner or operator's facility on each Property ever have "interim status" under the RCRA? If so, and the facility does not currently have interim status; describe the circumstances under which the facility lost interim status.

OTC had no "interim status" under RCRA, based on information in JSC's files or available from current or former JSC employees.

55. Provide all RCRA Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

OTC was not issued RCRA identification numbers by EPA or a state for operations, based on information in JSC's files or available from current or former JSC employees.

56. Identify all federal offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.

OTC did not send or file hazardous substance or hazardous waste information, based on information in JSC's files or available from current or former JSC employees.

57. Identify all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information. State the years during which such information was sent/filed.

Based on available information, OTC did not send or file hazardous substance or hazardous waste information, except for an Annual Report to the State Fire Marshal's Office in 1991-1992 (Attachment 30).

58. List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq. (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq. (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq., Oregon Hazardous Substance Remedial Action Law, ORS 465.315, Oregon Water Quality law, ORS Chapter 468(b), Oregon Hazardous Waste and Hazardous Materials law, ORS Chapters 465 and 466, or Oregon Solid Waste law, ORS Chapter 459. Provide copies of each report made, or if only oral reporting was required, identify the federal and state offices to which such report was made.

Clean Water Act (the Water Pollution Prevention and Control Act) for NPDES stormwater permit. See response to Question 50 for correspondence.

59. Provide a copy of any registrations, notifications, inspections or reports required by the Toxic Substances Control Act, 15 USC § 2601 et seq., or state law, to be maintained or submitted to any government agency, including fire marshal(s), relating to PCB(s) or PCB(s) containing materials or liquids on any Property identified in response to Question 4.

See a copy of the 1992 Oregon Fire Marshal Hazardous Substance Employer Survey for list of reportable substances stored/used on site (Attachment 30); note that PCB containing materials were not included in the survey for the property. See also the response to Question 47.

60. Has Respondent or Respondent's contractors, lessees, tenants, or agents ever contracted, provided notice to, or made a report to the Oregon Department of State Lands ("DSL") or any other state agency concerning an incident, accident, spill, release, or other event involving Respondent's leased state aquatic lands? If so, describe each incident, accident, spill, release, or other event and provide copies of all communications between Respondent or its agents and DSL or the other state agency and all documents that were exchanged between Respondent, its agents and DSL or other state agency.

Not applicable. OTC did not lease aquatic lands.

61. Describe all notice or reporting requirements to DSL that you had under an aquatic lands lease or state law or regulation regarding incidents affecting, or activities or operations occurring on leased aquatic lands. Include the nature of the matter required to be reported and the office or official to whom the notice or report went to. Provide copies of all such notices or reports.

Not applicable. OTC did not lease aquatic lands.

Section 6.0 Releases and Remediation

Information regarding releases and remediation was provided in JSC's files. Relevant documents were scanned into numbered .pdf files. These files are attached on the enclosed CD. If a document is not identified, the information was provided by the individuals identified in Section 1.0.

62. Identify all leaks, spills, or releases into the environment of any waste, including petroleum, hazardous substances, pollutants, or contaminants, that have occurred at or from each Property, which includes any aquatic lands owned or leased by Respondent. In addition, identify, and provide copies of any documents regarding:

A release was identified outside of the oil shed/drum storage in 1992. The affected area was approximately 20 feet by 30 feet to depths of approximately 1 foot on the west side of the building near the wash rack. Six sample holes were dug and revealed oil and diesel impacts. The diesel contamination was a result of a leaking three-gallon filler can that was evidently stored on the ground near the wash rack. The oil contamination was believed to be from run-down drips from drums or leaks in drums, and/or by overflow of contaminated rainwater from uncapped empties. Overall, the release was believed to be less than 20 gallons of oil into the gravel area around the wash rack. In addition, there was an asphalt trench leading to a storm drain. The trench appeared to be compromised. According to a memorandum detailing these spills, the problem areas had contamination that predated OTC's occupancy and the Port was asked to share cleanup responsibilities and costs (Attachment 31). The contaminated soil and trench asphalt was removed and the former asphalt gutter was repaved with concrete. In response to the 1992 spills, OTC revised their petroleum/chemical storing procedures to prevent future releases. The revised BMPs included (Attachment 31):

- 1). Indoor storage of all petroleum/chemical products and their containers, whether empty or full.

- 2). Purchase materials in smaller quantities to reduce inventory storage room requirements.
- 3). Purchase a weatherproof, sealed-floor storage shed.
- 4). Implement immediate disposal of leaking, damaged, or defective storage cans.
- 5). Increase environmental awareness among all employees.

There was a release associated with the underground used oil tank. The tank was decommissioned by Allied Tank in March 1991. The tank, along with the adjacent contaminated soil, was removed. According to an OTC memorandum, DEQ was notified and the cleanup was considered complete (Attachment 21).

The January 2008 Batson letter to JSC mentions that JSC was discovered to have dumped an unknown quantity of solvent/degreaser outside of the gearlocker building (Attachment 1). As mentioned in the response to Question 4, OTC operated the gearlocker at T-4, not JSC, and JSC has no documentation that substantiates the claim that a spill of that nature occurred at the gearlocker during OTC's operations.

- a. when such releases occurred;
- b. how the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated);
- c. the amount of each hazardous substances, pollutants, or contaminants so released;
- d. where such releases occurred;
- e. any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release;
- f. any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken;
- g. all persons with information relating to these releases; and
- h. list all local, state, or federal departments or agencies notified of the release, if applicable.

63. Was there ever a spill, leak, release or discharge of waste, including petroleum, or hazardous substances, pollutant or contaminant into any subsurface disposal system or floor drain inside or under a building on the Property?

Based on the information in JSC's files and provided by current and former employees, there was never a release to any of the drains, storm or other, during the time OTC operated at the site.

If the answer to the preceding question is anything but an unqualified "no", identify:

- a. where the disposal system or floor drains were located;
- b. when the disposal system or floor drains were installed;
- c. whether the disposal system or floor drains were connected to pipes;
- d. where such pipes were located and emptied;

- e. when such pipes were installed;
- f. how and when such pipes were replaced, or repaired; and
- g. whether such pipes ever leaked or in any way released such waste or hazardous substances into the environment.

64. Has any contaminated soil ever been excavated or removed from the Property? Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:

Yes. See the response to Question 62.

- a. amount of soil excavated;
- b. location of excavation presented on a map or aerial photograph;
- c. manner and place of disposal and/or storage of excavated soil;
- d. dates of soil excavation;
- e. identity of persons who excavated or removed the soil, if other than a contractor for Respondent;
- f. reason for soil excavation;
- g. whether the excavation or removed soil contained hazardous substances, pollutants or contaminants, including petroleum, what constituents the soil contained, and why the soil contained such constituents;
- h. all analyses or tests and results of analyses of the soil was removed from the Property;
- i. all analyses or tests and results of analyses of the excavated area after the soil was removed from the Property; and
- j. all persons, including contractors, with information about (a) through (i) of this request.

65. Have you ever tested the groundwater under your Property?

No.

If so, please provide copies of all data, analysis, and reports generated from such testing.

66. Have you treated, pumped, or taken any kind of response action on groundwater under your Property?

No.

Unless the answer to the preceding question is anything besides an unequivocal "no", identify and provide copies of any documents regarding:

- a. reason for groundwater action;
- b. whether the groundwater contained hazardous substances, pollutants or contaminants, including petroleum, what constituents the groundwater contained, and why the groundwater contained such constituents;

- c. all analyses or tests and results of analyses of the groundwater;
- d. if the groundwater action has been completed, describe the basis for ending the groundwater action; and
- e. all persons, including contractors, with information about (a) through (c) of this request.

67. Was there ever a spill, leak, release or discharge of a hazardous substance, waste, or material into the Willamette River from any equipment, structure, or activity occurring on, over, or adjacent to the river?

No. Based on the information in JSC's files and provided by current and former employees, there was never a release to the Willamette River as a result of OTC operations.

If the answer to the preceding question is anything but an unequivocal "no", identify and provide copies of any documents regarding:

- a. the nature of the hazardous substance, waste, or material spilled, leaked, released or discharged;
- b. the dates of each such occurrence;
- c. the amount and location of such release;
- d. were sheens on the river created by the release; and
- e. was there ever a need to remove or dredge any solid waste, bulk product, or other material from the river as a result of the release? If so, please provide information and description of when such removal/dredging occurred, why, and where the removed/dredged materials were disposed.

68. For any releases or threatened releases of PCB(s), identify the date, quantity, location and type of PCB(s), or PCB(s) containing materials or liquids, and the nature of any response to or cleanup of the release.

To JSC's knowledge, no release or threatened release of PCBs has occurred on the property since OTC signed the Management Agreement with the Port in 1988.

There were transformers (approximately six) that were stored on the site at the time OTC began operations in May 1989. In July 1989, an additional seven Port transformers were transported to the property (Attachment 12). However, all transformers were removed from the property by July 20, 1989 (Attachment 13).

69. For any releases or threatened releases of PCB(s) and/or PCB(s) containing materials or liquids, identify and provide copies of any documents regarding the quantity and type of waste generated as a result of the release or threatened release, the disposition of the waste, provide any reports or records relating to the release or threatened release, the response or cleanup and any records relating to any enforcement proceeding relating to the release or threatened release.

See the Response to Question 68.

Section 7.0 Property Investigations

Information regarding property investigations was provided in JSC's files and on the EPA's Web site for the Port's Terminal 4 property

(<http://yosemite.epa.gov/R10/CLEANUP.NSF/6d62f9a16e249d7888256db4005fa293/fa0745084bfae55688256e5d000a382f?OpenDocument>). **Relevant documents were scanned into.pdf files and/or are present on the EPA's Web site. The .pdf files are attached on the enclosed CDs. If a document is not identified, the information was provided by the individuals identified in Section 1.0.**

70. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Property concerning insurance issues or insurance coverage matters.

Based on the information in JSC's files and provided by current and former employees, there is no documentation of audits concerning insurance issues or coverage.

71. Describe the purpose for, the date of initiation and completion, and the results for any investigations of soil, water (ground or surface), sediment, geology, and hydrology or air quality on or about each Property. Provide copies of all data, reports, and other documents that were generated by you or a consultant, or a federal or state regulatory agency related to the investigations that are described.

Kinder Morgan contracted with the Port to provide longshoremen to unload "pencil pitch" from vessels using a land-based unloading tower called a Dravo at Slip 3 Berth 411 at T-4 (note that Berth 411 was not managed by OTC). The unloading created dust. In 1993, OTC contracted with MET to perform an industrial hygiene survey of fugitive emissions of pencil pitch from an unloading operation being performed at the neighboring Berth 411 (Attachment 47). MET's survey concluded that while a forklift driver was not exposed to any detectable concentration of the individual PNAs associated with CTPVs, his exposure to total CTPVs was in excess of the established OSHA PEL. In addition, analysis of the material in a vacuum truck indicated that the material was greater than 0.1 percent of the suspect carcinogen PNAs, thus classifying the material as a carcinogen per 29 CFR 1910.1200(d)(5)(ii). The Port also contracted with HAZCON Inc. in April 1994 to evaluate the impact of pencil pitch dust at the terminal and through the neighborhood (Attachments 8 and 61).

No other investigations of soil, water, sediment, geology, hydrology, or air were completed by OTC for the property.

72. Describe any remediation or response actions you or your agents or consultants have ever taken on each Property either voluntarily or as required by any state or federal agency. If not otherwise already provided under this Information Request, provide copies of all investigations, risk assessments or risk evaluations, feasibility studies, alternatives analysis, implementation plans, decision documents, monitoring plans, maintenance plans, completion reports, or other document concerning remediation or response actions taken on each Property.

Please see the response to Question 62 detailing releases from the oil shed and from former used oil UST and response actions taken to remediate those releases.

73. Are you or your consultants planning to perform any investigations of the soil, water (ground or surface), geology, hydrology, and/or air quality on or about the Property?

No.

If so, identify:

- a. what the nature and scope of these investigations will be;
- b. the contractors or other persons that will undertake these investigations;
- c. the purpose of the investigations;
- d. the dates when such investigations will take place and be completed; and
- e. where on the Property such investigations will take place.

Section 8.0 Corporate Information

Corporate information was provided in JSC's files. Relevant documents were scanned into numbered .pdf files. These files are attached on the enclosed CDs. If a document is not identified, the information was provided by the individuals identified in Section 1.0.

74. Provide the following information, when applicable, about you and/or your business(es) that are associated with each Property identified in response to Question 4:

- a. state the current legal ownership structure (e.g., corporation, sole proprietorship);

OTC is an inactive domestic business corporation.

- b. state the names and current addresses of current and past owners of the business entity or, if a corporation, current and past officers and directors;

Clayton R Jones III, President

Oregon Terminal Company (formerly Oregon Import Automobile Terminal, Inc.[OIAT])

2323 NW Suffolk Street

Portland, Oregon 97210

Jay D. Marshall, Secretary

2323 NW Suffolk Street

Portland, Oregon 97210

- c. discuss all changes in the business' legal ownership structure, including any corporate successorship, since the inception of the business entity. For example, a business that starts as a sole proprietorship, but then incorporates after a few years, or a business that is subsequently acquired by and merged into a successor. Please include the dates and the names of all parties involved;

OAIT was merged into OTC in 1982 (Attachment 57).

- d. the names and addresses of all current or past business entities or subsidiaries in which you or your business has or had an interest that have had any operational or ownership connection with the Properties identified in response to Question 4. Briefly describe the business activities of each such identified business entities or subsidiaries; and

Not applicable.

- e. if your business formerly owned or operated a Property identified in response to Question 4, describe any arrangements made with successor owners or operators regarding liability for environmental contamination or property damage.

Unknown. Please contact Mr. Dave Fournier (contact information in Section 1) for specific information regarding arrangements regarding liability for environmental contamination or property damage.

75. List all names under which your company or business has ever operated and has ever been incorporated.

OTC was formerly Oregon Import Automobile Terminal, Inc. (OIAT), however operations were never conducted under that name. OIAT was formed on February 15, 1978 (Attachment 57). The name was changed to OTC on June 14, 1978. OTC operated at T-4 from May 1, 1989 through 1996 (Attachment 59). Please contact Mr. Dave Fournier (contact information in Section 1) for specific owner/employee information.

For each name, provide the following information:

- a. whether the company or business continues to exist, indicating the date and means by which it ceased operations (e.g., dissolution, bankruptcy, sale) if it is no longer in business;
- b. names, addresses, and telephone numbers of all registered agents, officers, and operations management personnel; and
- c. names, addresses, and telephone numbers of all subsidiaries, unincorporated divisions or operating units, affiliates, and parent corporations if any, of the Respondent.

76. Provide all copies of the Respondent's authority to do business in Oregon. Include all authorizations, withdrawals, suspensions and reinstatements.

See Attachment 57.

77. If Respondent is, or was at any time, a subsidiary of, otherwise owned or controlled by, or otherwise affiliated with another corporation or entity, then describe the full nature of each such corporate relationship, including but not limited to:

OTC was affiliated with JSC. See JSC's responses to the EPA's January 2008 104(e) Information Request for its corporate information. Please contact Mr. Dave Fournier (contact information in Section 1) for specific owner/employee information.

- a. a general statement of the nature of relationship, indicating whether or not the affiliated entity had, or exercised, any degree of control over the daily operations or decision-making of the Respondent's business operations at the Site;
- b. the dates such relationship existed;

- c. the percentage of ownership of Respondent that is held by such other entity(ies);
- d. for each such affiliated entity provide the names and complete addresses of its parent, subsidiary, and otherwise affiliated entities, as well as the names and addresses of each such affiliated entity's officers, directors, partners, trustees, beneficiaries, and/or shareholders owning more than five percent of that affiliated entity's stock;
- e. provide any and all insurance policies for such affiliated entity(ies) which may possibly cover the liabilities of the Respondent at each Property; and
- f. provide any and all corporate financial information of such affiliated entities, including but not limited to total revenue or total sales, net income, depreciation, total assets and total current assets, total liabilities and total current liabilities, net working capital (or net current assets), and net worth.

78. If Respondent is a partnership, please describe the partnership and provide a history of the partnership's existence.

OTC is not a partnership.

Provide a list of all current and past partners of any status (e.g., general, limited, etc.) and provide copies of all documents that created, govern, and otherwise rules the partnership, including any amendments or modifications to any of the originals of such documents, and at least five years of partnership meeting minutes.

Not applicable.

Section 9.0 Compliance With This Request

79. Describe all sources reviewed or consulted in responding to this request, including, but not limited to:

- a. the name and current job title of all individuals consulted;

David Fournier, Vice President, Red Shield Service Company, PO Box 3736, Seattle, WA 98124-3736. Phone: 206-763-6620. FAX: 206-768-6905. E-mail: sfuez@redshield.com.

Ralph Erickson, Claims Manager (retired), Red Shield Service Company, Phone: 360-574-2858. E-mail: RalphErickson@Comcast.net.

Please contact Dave Fournier for the names of additional individuals consulted.

- b. the location where all sources reviewed currently reside;

Documents are located at JSC's office at 2323 NW Suffolk Street, Portland, Oregon.

- c. the date consulted.

Various times between June and September 2008.

80. If not already provided, identify and provide a last known address or phone number for all persons, including Respondent's current and former employees or agents, other than attorneys, who have knowledge or information about the generation, use, purchase, storage, disposal,

placement, or other handling of hazardous materials at, or transportation of hazardous substances, waste, or materials to or from, each Property identified in response to Question 4.

Please contact Mr. David Fournier for this information.

81. If any of the documents solicited in this Information Request are no longer available, please indicate the reason why they are no longer available. If the records were destroyed, provide us with the following:
- a. the document retention policy between 1937 and the present;
OTC retained documents indefinitely as routine business operations.
 - b. the approximate date of destruction;
Documents are destroyed or otherwise discarded in the normal course of business. There is no way of making a determination on the approximate date of destruction of information, as we are not certain what information is being referenced and we as a company do not keep specific records regarding date of destruction.
 - c. a description of the type of information that would have been contained in the documents;
The type of information contained in the documents would have been normal business operations documents and we cannot be more specific.
 - d. the name, job title and most current address known by you of the person(s) who would have produced these documents; the person(s) who would have been responsible for the retention of these documents; the person(s) who would have been responsible for destroying the documents; and the person(s) who had and/or still have the originals or copies of these documents; and
We cannot make a specific response to this inquiry, as we do not have a document destruction policy and we have not charged individuals with the responsibility to keep documents in specific area.
 - e. the names and most current addresses of any person(s) who may possess documents relevant to this inquiry.
David Fournier, Vice President, Red Shield Service Company, PO Box 3736, Seattle, WA 98124-3736. Phone: 206-763-6620. FAX: 206-768-6905. E-mail: sfuez@redshield.com.
82. Provide a description of all records available to you that relate to all of the questions in this request, but which have not been included in your response.
All records available related to the questions were included in the response (see bibliography for list of all available OTC documents).

DECLARATION

I declare under penalty of perjury that I am authorized to respond on behalf of Respondent and that the foregoing is complete, true, and correct.

Executed on October 1, 2008.

David Fournier

Signature

David Fournier

Type or Print Name

Claims Mgr.

Title

Mailing Address:

**Red Shield Service Company
7245 West Marginal Way SW
Seattle, Washington 98106**